

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING IMMUNIZATION REQUIREMENTS FOR
5 PHARMACISTS; PROVIDING THAT PHARMACISTS, INTERNS, AND PHARMACY TECHNICIANS MAY
6 ADMINISTER ROUTINE IMMUNIZATIONS OR COVID-19 IMMUNIZATIONS TO INDIVIDUALS 3 YEARS OF
7 AGE OR OLDER; AMENDING SECTION 37-7-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 37-7-105, MCA, is amended to read:

13 **"37-7-105. Administration of immunizations.** (1) An immunization-certified pharmacist may:

14 ~~(a) —~~prescribe and administer the following immunizations without a collaborative pharmacy practice
15 agreement in place:

16 ~~(i) —~~influenza to individuals who are 12 years of age or older;

17 ~~(ii) —~~pneumococcal, tetanus, diphtheria, and pertussis to individuals who are 18 years of age or older;

18 and

19 ~~(iii) —~~herpes zoster to those individuals identified in the guidelines published by the United States
20 centers for disease control and prevention's advisory committee on immunization practices; and

21 ~~(b) —~~administer immunizations to individuals 7 years of age or older as provided by the most recent
22 guidelines by vaccine and age group published by the United States centers for disease control and prevention
23 and as determined within a collaborative practice agreement

24 (a) immunizations to individuals 3 years of age or older in accordance with the United States centers
25 for disease control and prevention's advisory committee on immunization practices' standard immunization
26 schedule; and

27 (b) immunizations approved, licensed, or granted emergency use authorization by the FDA to persons
28 3 years of age or older in accordance with the United States centers for disease control and prevention's

1 advisory committee on immunization practices' immunization recommendations and in compliance with
 2 requirements under the United States centers for disease control and prevention's immunization provider
 3 agreement and any other federal requirements applicable to the administration of immunizations.

4 (2) In the event of an adverse reaction, a pharmacist may administer epinephrine or diphenhydramine
 5 to:

6 ~~(a) an individual who is 12 years of age or older; and~~

7 ~~(b) a child who is 7 years of age or older and under 12 years of age within a collaborative practice~~
 8 ~~agreement~~ an individual who is 3 years of age or older.

9 (3) If a pharmacist provides an immunization that is part of a series requiring multiple doses over time,
 10 the pharmacist shall notify the individual or the individual's legal representative at the time the next
 11 immunization in the series is due to be administered by sending a notice to the individual or representative that
 12 the followup immunization is needed to fulfill the series requirement.

13 (4) A pharmacist who administers an immunization pursuant to this section shall:

14 (a) ensure that the individual who is being immunized is assessed for contraindications to
 15 immunization;

16 (b) ensure that the individual who is being immunized or the individual's legal representative receives
 17 a copy of the appropriate vaccine information statement;

18 (c) if the pharmacist is notified of an adverse reaction, report the reaction to:

19 (i) the patient's primary health care provider, if the patient identifies one; and

20 ~~(ii) the medical provider or providers with whom the pharmacist has a collaborative practice~~
 21 ~~agreement; and~~

22 ~~(iii)~~ (ii) the vaccine adverse event reporting system established under the United States department of
 23 health and human services;

24 (d) provide a signed certificate of immunization to the primary health care provider, if known, of each
 25 individual who is immunized and to the individual who is immunized that includes the individual's name, date of
 26 immunization, address of immunization, administering pharmacist, immunization agent, manufacturer, and lot
 27 number;

28 (e) create a record for each immunization, in which the individual's name, date, address of

1 immunization, administering pharmacist, immunization agent, manufacturer, and lot number are included, and
2 maintain the record for 7 years from the date the immunization was administered or until 7 years after the
3 individual reaches 18 years of age, whichever is later; and

4 (f) offer the patient the opportunity to have the immunization information reported to the state
5 immunization information system.

6 (5) A pharmacist who administers an immunization identified under subsection (1)(a) to a patient who
7 is under 18 years of age shall inform the patient and the patient's adult caregiver of the importance of a well-
8 child visit with a pediatrician or other licensed primary care provider and shall refer the patient as appropriate.

9 (6) A pharmacist may not delegate to another person the administration of immunizations authorized
10 under this section, except:

11 (a) under the direct supervision and with the authorization of the pharmacist, to a licensed intern who
12 has completed a practical training program that is approved by the accreditation council for pharmacy education
13 or the board and that includes instruction in hands-on injection technique, clinical evaluation of indications and
14 contraindications of immunizations, and the recognition and treatment of emergency reactions to vaccines and
15 who holds a current basic cardiopulmonary resuscitation certification; or

16 (b) under an approved utilization plan and under the direct supervision and with the authorization of
17 the pharmacist, to a pharmacy technician who has completed a practical training program that is approved by
18 the accreditation council for pharmacy education or the board and that includes instruction in hands-on injection
19 technique, clinical evaluation of indications and contraindications of immunizations, and the recognition and
20 treatment of emergency reactions to vaccines and who holds a current basic cardiopulmonary resuscitation
21 certification.

22 ~~(5)(7)~~ For the purposes of this section, "vaccine information statement" means an information sheet
23 that is produced by the United States centers for disease control and prevention that explains the benefits and
24 risks associated with a vaccine to a vaccine recipient or the legal representative of the vaccine recipient."
25

26 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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